

CONGRATULATORY RESOLUTION

S.R. 155 - By Snelson: Extending congratulations to Captain Hugh Shaw.

ADJOURNMENT

On motion of Senator Brooks the Senate at 11:59 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 26, 1979.

APPENDIX

Sent to Governor

(February 22, 1979)

S.B. 413

Signed by Governor

(February 22, 1979)

H.C.R. 63

H.C.R. 69

H.B. 300

S.B. 83

S.B. 106

S.B. 353

S.B. 413

Effective immediately

Effective immediately

Effective immediately

Effective immediately

Effective immediately

TWENTY-SIXTH DAY

(Monday, February 26, 1979)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President Pro Tempore, Senator Meier.

The roll was called and the following Senators were present: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Absent-excused: McKnight, Truan.

A quorum was announced present.

Chaplain Gerald Mann, University Baptist Church, Austin, offered the invocation as follows:

Our Father, may we find comfort today in knowing that at least we've completed the first step toward receiving Your forgiveness — we've sinned. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 22, 1979, was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Ogg.

Senator McKnight was granted leave of absence for today on account of important business on motion of Senator Creighton.

MESSAGE FROM THE HOUSE

House Chamber
February 26, 1979

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT THE HOUSE HAS PASSED THE FOLLOWING:

HB 396, A bill to be entitled An Act relating to an election in Tarrant County to consolidate the offices of county auditor and county treasurer.

HB 511, A bill to be entitled An Act relating to the authority of certain counties to contract for and finance water and sewage services.

HB 648, A bill to be entitled An Act conforming the Texas Probate Code to the Equal Rights Amendment.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

REPORT OF STANDING COMMITTEE

Senator Creighton submitted the following report for the Committee on Economic Development:

S.B. 135 (Amended)
S.B. 136 (Amended)
S.B. 137 (Amended)
S.B. 138 (Amended)
S.B. 263 (Amended)
S.B. 264 (Amended)
S.B. 265 (Amended)

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 654 by Parker Education
Relating to acquisition of facilities for Lamar University Education Centers.

S.B. 655 by Meier Economic Development
Relating to the refund by the State Board of Insurance of any tax, fee or other sum of money including any interest or penalty, overpaid or paid erroneously.

S.B. 656 by Vale Intergovernmental Relations
Relating to payments in lieu of taxes by municipally owned utilities; defining "payments in lieu of taxes" and "public utility"; amending Section 48, Public Utility Regulatory Act (Article 1446c, Vernon's Texas Civil Statutes).

S.B. 657 by Parker State Affairs
Relating to staggered registration of motor vehicles.

S.B. 658 by Longoria Education
Relating to a branch of Texas State Technical Institute in Hidalgo County.

S.B. 659 by Schwartz Jurisprudence
Relating to an individual's access to personally identifiable information maintained by an agency; excepting certain medical and investigative information; providing procedures and standards for challenging and changing personally identifiable information maintained by an agency; creating the Panel on Information Appeals; requiring certain reports of criminal justice information; placing responsibility on agencies to prevent unauthorized access to information; providing for release of certain names and addresses in connection with providing the named persons with certain educational material; providing procedures for recording disseminations of personally identifiable information by an agency; prohibiting waiver of the protection of this Act; providing remedies; and declaring an emergency.

S.B. 660 by Vale Intergovernmental Relations
Amending Chapter 105, Acts of the 47th Legislature, Regular Session, 1941, as amended (Article 6243f, Vernon's Texas Civil Statutes), by adding Sections 1A and 3 and by amending Sections 4, 7(c), 8(a), 8(b), 10, 11, 13, 15(b), 15(c), 16, and 26A(2); relating to membership of the board of trustees of certain firemen and policemen's pension funds; relating to the amount of contributions to and payments from such funds and to cost of living increases, age at retirement, limitations on disability, and widows' pensions; relating to computation of certain pensions; and declaring an emergency.

S.B. 661 by Clower Human Resources
Relating to the charges on an installment contract for a commercial vehicle.

S.B. 662 by Ogg Jurisprudence
Relating to metropolitan rapid transit authorities and the levy, imposition, and collection of a local sales and use tax by a metropolitan rapid transit authority.

S.B. 663 by Blake Human Resources
Relating to fire safety requirements for nursing homes.

S.B. 664 by Blake, Price Natural Resources
Relating to restrictions on the construction and operation of long-term storage and permanent disposal sites for nuclear waste; providing penalties.

S.B. 665 by Farabee Natural Resources
Relating to hunting on a public road or the right-of-way of a public road; providing a penalty.

S.B. 666 by Schwartz, Williams, Ogg, Natural Resources
Jones of Harris, Brooks
Amending Chapter 409, Acts of the 61st Legislature, Regular Session, 1969, as amended, relating to the Gulf Coast Waste Disposal Authority, by providing additional powers for said authority and authorizing any public agency, local government, political subdivision, or other entity to contract with said authority with respect to its powers; enacting other provisions relating to the subject; providing for the cumulative effect and severability of the act; and declaring an emergency.

S.B. 667 by Kothmann Human Resources
Relating to the establishment of a security building for the insane at the San Antonio State Hospital.

S.B. 668 by Ogg Jurisprudence
Relating to the application of the wrongful death statute to injuries inflicted upon unborn children.

S.B. 669 by Brooks State Affairs
Relating to the location of the headquarters of the Board of Pardons and Paroles.

S.B. 670 by Brooks Human Resources
Relating to consent by a minor for family planning services.

S.B. 671 by Brooks Human Resources
Relating to regulation of the planning, development, construction, modification, and expansion of certain health care facilities and services; amending Sections 3.01, 3.02, 3.05, 3.06, 3.07, 3.08, 3.09, 3.11, 3.13, and 3.14 of the Texas Health Planning and Development Act (Article 4418(h), Vernon's Annotated Civil Statutes).

S.B. 672 by Brooks Education
Relating to the transfer of certain public school students.

S.B. 673 by Brooks Human Resources
Abolishing the State Board of Examiners in the Basic Sciences; transferring responsibility for examinations; providing for disbursement of remaining funds; providing for disposition of property; and declaring an emergency.

S.B. 674 by Vale Human Resources
Relating to the authority of savings and loan associations with regard to the opening of savings accounts; amending Section 6.01, Texas Savings and Loan Act (Article 852a, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 675 by Howard Intergovernmental Relations
Relating to the ratification and implementation of the Caddo Lake Compact.

S.B. 676 by Williams State Affairs
Relating to the deposit and use of revenue collected under the boiler inspection law.

S.C.R. 29 by Jones of Taylor Economic Development
Memorializing Congress to reject any legislation which would limit state
regulation or increase federal regulation of the business of insurance.

S.C.R. 31 by Brooks Human Resources
Requesting the Department of Mental Health and Mental Retardation and community mental health and mental retardation centers to place additional emphasis on mental health crisis counseling for the elderly and handicapped.

S.R. 156 by Schwartz, Mauzy,
Brooks, Jones of Harris Administration
Amending Senate rules relating to questioning of a witness appearing before a
Committee.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 226, To Committee on Jurisprudence.

H.B. 598, To Committee on Intergovernmental Relations.

H.B. 679, To Committee on Education.

H.B. 796, To Committee on Intergovernmental Relations.

SENATE RESOLUTION 159

Senator Moore offered the following resolution:

WHEREAS, On February 22, a distinguished member of this Senate and native son of Texas celebrated his birthday; and

WHEREAS, He was raised by strong and loving parents; his father was a Starr County farmer and Justice of the Peace who gave to him at an early age a practical understanding of local politics; his mother was the local postmistress and store owner who combined love in his upbringing with a strong will and good business sense; and

WHEREAS, It was in a small agricultural community that Raul Longoria learned his first and important lessons of life, among them the value of a close family as represented by the understanding and unity that his wife and children share with him now; he also learned the meaning of hard work primarily from the business end of a shovel under the baking sun of the South Texas cotton fields, a job that gave him a particular insight into the advantage of a good education; and

WHEREAS, Raul Longoria attended The University of Texas and its School of Law and in 1950 began to practice law in his beloved South Texas; and

WHEREAS, He served with distinction for 10 years in the Texas House of Representatives and in 1972 was elected by an overwhelming majority to represent the 27th Senatorial District; by his combination of leadership and graciousness he has earned the respect of his colleagues in the Senate and the appreciation of his constituents at home; and

WHEREAS, Earlene Longoria, the Senator's charming, capable, and gentle wife shares not only the partnership of a marriage that has been blessed with five children: Sam, Janeice, Roy, Elaine, and Cecilia, but since 1973, has been a practicing attorney in the courts of the State of Texas and a partner in the Law Offices of Raul Longoria in Edinburg; and

WHEREAS, Raul Longoria is a man who finds comfort not in great show or ceremony, but in the measure of work he has accomplished on behalf of those he represents; with highest honor he was named a "Friend of Education" by the Texas Classroom Teachers Association for 1979; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 66th Legislature, hereby extend the warmest of birthday greetings to our illustrious friend and worthy colleague; and, be it further

RESOLVED, That a copy of this Resolution be prepared and presented to the Senator from Edinburg as a mark of our high regard with the sincere wish for many happy returns.

The resolution was read and was adopted.

SENATE RESOLUTION 160

Senator Moore offered the following resolution:

WHEREAS, February 26 is a day filled with mystical events and customs; and

WHEREAS, On this day, this year, will occur a total eclipse of the sun that will be visible in many parts of North America; and

WHEREAS, February 26 is also the memorable day when Senator Tom Creighton celebrates his birthday; and

WHEREAS, Tom Creighton was born and reared in Palo Pinto County; after serving in the United States Navy as a Seaman in World War II, he graduated from The University of Texas Law School and shortly thereafter began his political career when he was elected to the office of County Attorney for Palo Pinto County; and

WHEREAS, In 1960, he successfully ran for the office of Senator representing the 22nd District; he ranks third in seniority and has given 19 years thus far in the building of an outstanding record of public service; and

WHEREAS, He has served on many of the major committees of the Senate and is currently the Chairman of the Economic Development Committee and a member of the Natural Resources Committee, the Finance Committee, and the Texas Legislative Council; and

WHEREAS, The Senator is not only a skilled attorney, but also plays the piano, is an accomplished dancer, is a pilot, chews tobacco, and at one time, as his honorary membership in the former Student's Association attests, went to Texas A&M University; and

WHEREAS, Senator Creighton's lovely and charming wife, Sue, and their sons, Will, Kenny, and Mark have been loyal supporters and a loving family to Tom during his many years in office; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 66th Legislature, hereby extend birthday greetings to the distinguished Senator from Palo Pinto; and, be it further

RESOLVED, That a copy of this Resolution be prepared for the Senator as a small token of our high esteem and with warmest wishes for many more happy and healthy years to come.

The resolution was read and was adopted.

HOUSE CONCURRENT RESOLUTION 68

The President laid before the Senate the following resolution:

H.C.R. 68, Honoring Barbara Jordan for her accomplishments and dedicated service to the people of Texas.

The resolution was read.

On motion of Senator Jones of Harris and by unanimous consent, the resolution was considered immediately and was adopted.

**COMMITTEE SUBSTITUTE SENATE BILL 130
ON SECOND READING**

On motion of Senator Parker and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 130, Relating to the powers, duties, and financing of the Port of Port Arthur Navigation District of Jefferson County, Texas.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 130
ON THIRD READING**

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 130** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

**COMMITTEE SUBSTITUTE SENATE BILL 173
ON SECOND READING**

On motion of Senator Moore and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 173, Relating to creation of the 272nd Judicial District, composed of Brazos County; making an appropriation. (Submitted by Governor as an emergency.)

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 173
ON THIRD READING**

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 173** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

**COMMITTEE SUBSTITUTE SENATE BILL 349
ON SECOND READING**

On motion of Senator Andujar and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 349, Relating to time for filing a transfer of title and registration for a motor vehicle.

The bill was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE SENATE BILL 349
ON THIRD READING**

Senator Andujar moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 349** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

SENATE BILL 405 ON SECOND READING

On motion of Senator Longoria and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 405, Relating to election of directors of certain irrigation districts.

The bill was read second time and was passed to engrossment.

SENATE BILL 405 ON THIRD READING

Senator Longoria moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 405** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

SENATE BILL 420 ON SECOND READING

On motion of Senator Short and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 420, Relating to the compensation of the judges of the 70th, 161st, and 244th Judicial Districts.

The bill was read second time and was passed to engrossment.

SENATE BILL 420 ON THIRD READING

Senator Short moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 420** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: McKnight, Truan.

SENATE BILL 491 ON SECOND READING

Senator Parker asked unanimous consent to suspend the regular order of business and Section 5 of Article III of the State Constitution to take up for consideration at this time:

S.B. 491, Relating to hunting in Sea Rim State Park.

There was objection.

Senator Parker then moved to suspend the regular order of business and Section 5 of Article III of the State Constitution and take up **S.B. 491** for consideration at this time.

The motion prevailed by the following vote: Yeas 27, Nays 2.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Farabee, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Clower, Doggett.

Absent-excused: McKnight, Truan.

The bill was read second time and was passed to engrossment.

SENATE BILL 491 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 491** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 2. (Same as previous roll call)

The bill was read third time and was passed by the following vote: Yeas 27, Nays 2. (Same as previous roll call)

CO-AUTHORS OF SENATE BILL 568

On motion of Senator Short and by unanimous consent, Senators Moore, Creighton and Traeger will be shown as Co-authors of **S.B. 568**.

SENATE BILL 568 ON SECOND READING

On motion of Senator Short and by unanimous consent, the regular order of business and Section 5 of Article III of the State Constitution was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 568, Relating to the per diem and mileage expenses of soil and water conservation district directors.

The bill was read second time.

Senator Short offered the following committee amendment to the bill:

Amend **S.B. 568**, Section 1 by adding after Line 1, Page 2, the following:

The delegate, or the alternate, if the delegate does not attend, is entitled to a per diem allowance of \$30 a day, for not more than two days and 18 cents per mile each way, for travel to the District Convention.

The committee amendment was read and was adopted.

On motion of Senator Short and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 568 ON THIRD READING

Senator Short moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 568** be placed on its third reading and final passage.